

REMARKS/ARGUMENTS

Claims 1-23 are pending and at issue in the present application.

Applicants have corrected Figure 1 to designate such figure as representing the prior art. A replacement sheet is attached hereto.

Applicants traverse the rejection to the specification due to the presence of informalities therein. The informalities noted by the examiner have been corrected by this amendment.

Applicants traverse the rejection of claims 1-4, 6, 8, 10-12, and 16-19 as being anticipated by or obvious over O'Neil.

Claim 1, and claims 2, 3, and 21-23 directly or indirectly dependent thereon, recite an evaporative device including a container for holding a liquid, wherein the container includes an opening. The device further includes a porous wick extending through the opening such that a portion of the wick contacts the liquid held within the container and a portion of the wick is exposed to the ambient environment, wherein the wick transfers the liquid from the container. A nonporous capillary member includes a surface in communication with a portion of the wick, wherein one or more capillary pathways are disposed along the surface of the capillary member along which liquid, transferred by the wick from the container, is drawn by capillary action for dispersion to the ambient air.

Claim 4, and claims 5-20 directly dependent thereon, specify an evaporative device comprising a container for holding a liquid, wherein the container includes an opening. The device further includes a porous wick extending through the opening such that a portion of the wick contacts the liquid held within the container and a portion of the wick extends outside of the container such that the wick transfers the liquid from the container. Still further, the device includes a capillary plate having a surface in communication with a portion of the wick, wherein the surface has one or more capillary pathways along which liquid transferred by the wick from the container is drawn by capillary action for dispersion to the ambient environment. The capillary pathways are substantially continuous along lengths thereof.

None of the prior art discloses an evaporative device including a nonporous capillary member or plate having a surface in communication with a portion of a wick, wherein one or

more capillary pathways are disposed along the surface of the capillary member or plate to transfer liquid, as recited by all of the claims.

Further, none of the prior art discloses an evaporative device including a capillary member or plate having a surface in communication with a portion of the wick, wherein the surface has one or more capillary pathways that are substantially continuous along their lengths.

In fact, O'Neil discloses an air freshener dispenser including a container for a volatile liquid fragrance, wherein the container includes a neck portion. A wick is disposed in the container such that a portion of the wick extends into the container and a portion of the wick extends out of the container. A neck insert is disposed around the wick and is adapted for a frictional fit with a bore of the neck portion to retain the wick in place. The dispenser further includes a pad holder disposed on the neck insert such that a portion of the wick extends through an aperture in a center of the pad holder. An emanator pad of coarse porous material is disposed in the pad holder in contact with the wick in order to allow transfer of liquid from the wick to the pad by capillary action.

O'Neil does not disclose a nonporous capillary member or plate, nor does it disclose a capillary member having a surface with one or more capillary pathways that are substantially continuous along lengths thereof. The nonporous capillary member allows the liquid from the wick to be drawn by capillary action onto the capillary member and the substantially continuous capillary pathways facilitate the spreading of the liquid across the surface of capillary member.

Because the prior art does not disclose each of the elements recited by the claims at issue, it follows that such claims are not anticipated thereby.

Further, because none of the prior art discloses or suggests that it would be desirable or even possible to provide an evaporative device as specified by the claims at issue, it is evident that the claims are not obvious thereover. The prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness to be established. See *In re Sernaker*, 217 U.S.P.Q. 1 (Fed. Cir. 1983) and *Ex Parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Accordingly, the obviousness rejections should be withdrawn. This suggestion is not present in O'Neil, and hence, the obviousness rejections of the claims at issue should be withdrawn.

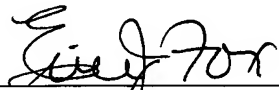
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The claims have been amended to further define the subject matter for which protection is sought and not to narrow the claimed subject matter. The amended claims do not present new matter.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims at issue and reconsideration thereof are respectfully requested.

Respectfully submitted,

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Amendments to the Drawings:

The attached drawing sheet includes a change to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet, including Fig. 1. The change is identified below:

In Figure 1, "Prior Art" has been added.

Attachment: Replacement Sheet (Fig. 1)
Annotated Sheet Showing Change (Fig. 1)

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Appendix

FIG. 1

PRIOR ART

